IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2839 OF 2005
IN
APPEAL NO.814 OF 2005
IN
SUMMONS FOR JUDGMENT NO.100 OF 2004
IN
SUM.SUIT NO.4082 OF 2003

Suresh G.Patel .. Appellant
V/s
Ramnik P.Gala & Ors. .. Respondents

Mr.Rakesh Dave i/by M/s.N.N.Vaishnava & Co. for the Appellant.

Mr.B.Saraf i/by M/s.Manoj & Ashok Associates for the Respondents.

CORAM: DR.S.RADHAKRISHNAN &
S.C.DHARMADHIKARI, JJ.

DATE : 21.10.2005.

P.C.:

1. Heard the learned Counsel for the parties. Appeal has already been admitted by this Court by an order dated 3rd October, 2005. We have perused the letter dated 22.9.2003 which is at Exhibit "G", wherein the Appellant has admitted of having received Rs.20 lakhs. Under these circumstances, Notice of Motion is made absolute in terms of prayer clause (a), subject to the condition that the Appellant should deposit Rs.20 lakhs with the Registrar/Prothonotary and Senior Master of this Court within a period of six weeks from today.

2. It is made clear that, in the event the Appellant fails to deposit the aforesaid amount of Rs.20 lakhs within a period of six weeks from today, the Notice of Motion shall stand dismissed without any reference to the Court.

3. In the event the aforesaid amount of Rs.20 lakhs is deposited by the Appellant, the Registrar/Prothonotary and Senior Master of this Court is directed to invest the same in a nationalised Bank, initially for a period of three years, and to renew the same thereafter from time to time.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)